

STATE OF MINNESOTA
IN SUPREME COURT
ADM10-8003

FILED

January 2, 2015

**OFFICE OF
APPELLATE COURTS**

**ORDER REGARDING PROPOSED AMENDMENTS TO
THE MINNESOTA RULES OF JUVENILE DELINQUENCY PROCEDURE**

The Minnesota Supreme Court Juvenile Delinquency Rules Committee has recommended amendments to the Minnesota Rules of Juvenile Delinquency Procedure to accommodate the judicial branch's increasing use of electronic filing and electronic service. The Committee's report with the proposed amendments to the Rules of Juvenile Delinquency Procedure is attached to this order. The Committee's report and summaries of its 2014 meetings can also be accessed on P-MACS, the public access site for the Minnesota appellate courts, under case number: ADM10-8003 *Report and Proposed Amendments to the Minnesota Rules of Juvenile Delinquency Procedure* (filed Dec. 19, 2014). Other than proposed amendments that may relate to public access to judicial branch records, the court will consider the proposed amendments to the Minnesota Rules of Juvenile Delinquency Procedure based on written comments only.

IT IS HEREBY ORDERED THAT:

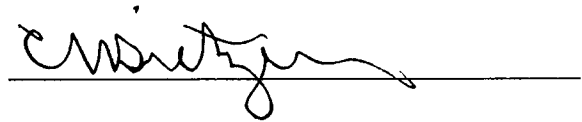
1. Any person or organization wishing to provide written comments in support of or opposition to the proposed amendments shall file one copy of those comments with AnnMarie O'Neill, Clerk of the Appellate Courts, 25 Rev. Dr. Martin Luther King Jr.

Blvd., Saint Paul, Minnesota 55155. The written comments shall be filed so as to be received no later than March 2, 2015.

2. The court will consider issues related to public access to judicial branch records that might be presented by the amendments recommended by the Advisory Committee on the Rules of Juvenile Delinquency Procedure, if any, in the proceedings for the Rules on Public Access to Records of the Judicial Branch, ADM10-8050. A copy of the order filed in ADM10-8050 is attached to this order. Requests to make a presentation at the hearing scheduled on March 17, 2015, in ADM10-8050, as allowed by paragraph 3 of that order, must identify the specific amendment proposed to the Rules of Juvenile Delinquency Procedure that raises an issue related to public access to judicial branch records.

Dated: January 2, 2015

BY THE COURT:

A handwritten signature in black ink, appearing to read 'C. Dietzen', is written over a horizontal line.

Christopher J. Dietzen
Associate Justice

**REPORT AND PROPOSED AMENDMENTS TO THE
MINNESOTA RULES OF JUVENILE DELINQUENCY PROCEDURE**

**MINNESOTA SUPREME COURT
JUVENILE DELINQUENCY RULES COMMITTEE**

ADM10-8003

December 19, 2014

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Hon. Michele Davis
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Victor Walker
Angela M. Walswick

Hon. David Lillehaug
Supreme Court Liaison

Karen Kampa Jaszewski
Staff Attorney

I. INTRODUCTION

As directed by the Supreme Court, the Committee met to discuss whether amendments to the rules were needed to accommodate the transition to a more universal electronic court environment, including electronic filing and service, electronic records, electronic integration services between the court and government subscribers and other related electronic initiatives. As a result of the discussion, and in support of this transition, the Committee recommends a number of amendments to the rules.

II. PROPOSED AMENDMENTS

The Committee's discussion and the majority of the recommended amendments are related to five main subject areas; each is addressed below in turn. In addition to these five subject areas, the Committee also recommends amendments where needed to update out-of-date rules and conform to other rules and legislative changes. For example, the amendments proposed to Rule 5.02, subd. 4(B), Rule 15.05, subds. 1, 3 and 4, and Rule 21.04, subd. 1(G), are to conform to legislative changes, the proposed addition of Rule 20.03 is to conform to Minnesota Rule of Criminal Procedure 20.04, and the proposed amendment to Rule 14.07 is to conform to Minnesota Rule of Criminal Procedure 27.05, subd. 6(A).

1) Level of Offense and Case Type. Currently the Rules of Juvenile Delinquency Procedure alternate between discussing cases in terms of level of offense (petty misdemeanor, misdemeanor, gross misdemeanor, felony), and case type (juvenile petty offense, juvenile traffic offense, delinquency). In order to facilitate the transition to the electronic filing of charging documents, clarity is needed in the rules regarding the difference between the offense level set by the legislature and the case type. Currently there is a lack of consistency statewide as to the offense level indicated for certain offenses on the charging documents filed with the court, especially in juvenile petty offenses, which are often charged as petty misdemeanors even though the lowest offense level set by the legislature is a misdemeanor. The electronic charging system requires a certain amount of uniformity and consistency in practice, and validates the offense level designation based on the offense level set by the legislature. If, for example, a prosecutor charges a juvenile with Theft as a juvenile petty offense and designates the offense level as a petty misdemeanor, the electronic charging system will reject that filing as an error. In order to facilitate the transition to electronic filing of charging documents, a number of rules amendments are proposed to clarify the difference and relationship between offense level and case type.

2) Mandatory Electronic Filing of Charging Documents. The Committee proposes a number of amendments to support, authorize, and eventually require the electronic filing of charging documents. As noted in the Committee's proposed

comment, it is understood that there currently is no statewide solution for electronic filing of citations and petitions in juvenile delinquency cases. However, once that technology is made available in juvenile delinquency cases, as facilitated by State Court Administration, electronic filing of all charging documents will be mandatory. Additionally, in recognition of the lack of a statewide electronic charging option for tab charges, and the rare use of tab charges in juvenile delinquency cases, the committee recommends eliminating the tab charge as an option for filing charges in juvenile delinquency cases. Related amendments are recommended where needed to further facilitate the transition to electronic charging. One such amendment is the proposed elimination of the option of attaching police reports to charging documents as a substitute for a probable cause statement. The current electronic charging system does not support the use of attachments.

Another such amendment in support of the transition to electronic charging is the proposed elimination of the requirement that race be indicated on the charging document. The rationale for this proposed change is that race data is difficult to transmit and capture securely into the court's case management system, MNCIS. In light of this concern, and in recognition of the reality that race is not consistently captured on charging documents, and the fact that race is not required for adult criminal cases, the Committee recommends eliminating all references and requirements relating to race. The Committee notes that the courts will continue to capture race survey data in MNCIS. The Committee also proposes eliminating the references to Minnesota Offense Codes (MOC) as a required element on the charging document. As explained in the proposed Committee comment, this reference is eliminated in recognition of the likely transition away from the use of MOC codes, and the ability to require the specific type of offense coding data needed by including it as required administrative information published by State Court Administration. Inclusion of all administrative content required by State Court Administration is already mandated by the rules.

3) Electronic Filing and Service of Other Documents. The Committee recommends amending the rules to permanently incorporate the current Minnesota Supreme Court Pilot Order provisions regarding electronic service and filing. The Committee recommends that the Rules of Juvenile Delinquency Procedure incorporate by reference Minnesota General Rule of Practice 14, which governs electronic filing and service in all case types. The Committee also recommends amendments that require filing certain documents prior to scheduled hearings in order to encourage electronic filing and discourage filing paper documents in court except when necessary. The Committee notes that because the advisory committees were meeting and working on the same timeline, there was not an adequate opportunity to monitor, review and discuss the final draft of General Rules of Practice 14. If any concerns or issues are discovered, the Committee and/or its constituent groups will provide written comments to the Supreme Court during the public comment period, including proposing any needed changes or

exceptions to either the Rules of Juvenile Delinquency Procedure or the General Rules of Practice.

4) Appeal Rule Updates. The Committee recommends updates to the appeal rules to conform to recent amendments to the Rules of Civil Appellate Procedure.

5) Electronic Signature and other Processes. The Committee recommends adoption by reference of the Rules of Criminal Procedure regarding electronic signature of charging documents, as well as the electronic process for obtaining a search warrant outlined in the report and recommendations of the Advisory Committee on Rules of Criminal Procedure. The Committee recommends a number of rules changes recognizing signatures under penalty of perjury as the equivalent to a signature under oath before a notary. The Committee also recommends amendments that support the transition from paper to electronic records, electronic access to records by criminal justice and other government agencies, and other automated processes including the electronic transfer of records when venue is transferred. Finally, the Committee recommends a rule authorizing any signature required by the rules to be applied electronically.

Respectfully Submitted,

JUVENILE DELINQUENCY
RULES COMMITTEE

PROPOSED AMENDMENTS TO THE RULES OF JUVENILE DELINQUENCY PROCEDURE

Note: Throughout these proposals, deletions are indicated by a line drawn through the words, and additions are underlined. A double underline indicates that the proposed text, if approved by the Court, should also be underlined in the final publication.

1. Amend Rule 3.02, subd. 1, as follows:

Subdivision 1. Delinquency Felonies and Gross Misdemeanors. In any delinquency proceeding in which the child is charged with a felony or gross misdemeanor, the court shall appoint counsel at public expense to represent the child, if the child can not afford counsel and private counsel has not been retained to represent the child. If the child waives the right to counsel, the court shall appoint standby counsel to be available to assist and consult with the child at all stages of the proceedings.

2. Amend Rule 3.02, subd. 2, as follows:

Subd. 2. Delinquency Misdemeanors. In any delinquency proceeding in which the child is charged with a misdemeanor, the court shall appoint counsel at public expense to represent the child if the child can not afford counsel and private counsel has not been retained to represent the child, and the child has not waived the right to counsel. If the child waives the right to counsel, the court may appoint stand-by counsel to be available to assist and consult with the child at all stages of the proceedings.

3. Amend Rule 3.04, subd. 1, as follows:

Subdivision 1. Conditions of Waiver. The following provision does not apply to Juvenile Petty or Traffic Offenses, which are governed by Rule 17. Any waiver of counsel must be made knowingly, intelligently, and voluntarily. Any waiver shall be in writing or on the record. The child must be fully and effectively informed of the child's right to counsel and the disadvantages of self-representation by an in-person consultation with an attorney, and counsel shall appear with the child in court and inform the court that such consultation has occurred. In determining whether a child has knowingly, voluntarily, and intelligently waived the right to counsel, the court shall look to the totality of the circumstances including, but not limited to: the child's age, maturity, intelligence, education, experience, ability to comprehend, and the presence of the child's parents, legal guardian, legal custodian or guardian ad litem appointed in the delinquency proceeding. The court shall inquire to determine if the child has met privately with the attorney, and if the child understands the charges and

proceedings, including the possible disposition, any collateral consequences, and any additional facts essential to a broad understanding of the case.

4. Amend Rule 3.08 as follows:

A lawyer representing a client in juvenile court, other than a public defender, shall file with the court administrator ~~on the first appearance~~ a certificate of representation prior to appearing.

Once a lawyer has filed a certificate of representation, that lawyer cannot withdraw from the case until all proceedings have been completed, except upon written order of the court pursuant to a written motion, or upon written substitution of counsel approved by the court ex parte.

A lawyer who wishes to withdraw from a case must file a written motion and serve it on the prosecuting attorney, and on the client by mail or personal service ~~upon the client and upon the prosecuting attorney~~; and the lawyer shall have the matter heard by the court. No motion of withdrawal will be heard within 10 days of a date certain for hearing or trial.

If the court approves the withdrawal, it shall be effective when the order has been served ~~on the client and the prosecuting attorney, and on the client~~ by mail or personal service, and due proof of such service has been filed with the court administrator.

~~Service on the prosecuting authority under this rule may also be made by electronic means if authorized by Minnesota Supreme Court Order and if service is made in accordance with that order.~~

5. Amend the Comments to Rule 3, paragraph 3, as follows:

Minn. R. Juv. Del. P. 3.02 provides for the appointment of counsel for juveniles in delinquency proceedings. A parent may not represent a child unless he or she is an attorney. In Gideon v. Wainwright, 372 U.S. 335 (1963), the U.S. Supreme Court held that the Sixth Amendment's guarantee of counsel applied to state felony criminal proceedings. In In re Gault, the Supreme Court extended to juveniles the constitutional right to counsel in state delinquency proceedings. Minnesota Statutes, section 260B.163, subd. 4 (2002) expands the right to counsel and requires that an attorney shall be appointed in any delinquency proceeding in which a child is charged with a felony or gross misdemeanor.

6. Amend the Comments to Rule 3, paragraph 6, as follows:

Minn. R. Juv. Del. P. 3.02, subd. 2 requires a court to appoint counsel for a child charged with a misdemeanor in a delinquency proceeding unless that child affirmatively waives counsel as provided in Minn. R. Juv. Del. P.3.04. Minn. R. Juv. Del. P. 3.02, subd. 3 requires the appointment of counsel or standby counsel in any proceeding in which out-of-home placement is proposed, and further limits those cases in which a child may waive the assistance of counsel without the appointment of standby counsel. In Argersinger v. Hamlin, 407 U.S. 25, 37 (1972), the Court held that "absent a knowing and intelligent waiver, no person may be imprisoned for any offense, whether classified as petty, misdemeanor or felony unless he was represented by counsel." In Scott v. Illinois, 440 U.S. 367 (1979), the Court clarified any ambiguity when it held that in misdemeanor proceedings, the sentence the trial judge actually imposed, i.e. whether incarceration was ordered, rather than the one authorized by the statute, determined whether counsel must be appointed for the indigent.

7. Amend the Comments to Rule 3, paragraph 9, as follows:

Minnesota Statutes, section 260B.007, subd. 16 defines "juvenile petty offenses," and ~~converts~~includes most offenses that would be misdemeanors if committed by an adult ~~into petty offenses~~. Minn. R. Juv. Del. P. 3.02, subd. 5 and 17.02 explain when a juvenile petty offender is entitled to court-appointed counsel. If a child is charged as a juvenile petty offender, the child or the child's parents may retain and be represented by private counsel, but the child does not have a right to the appointment of a public defender or other counsel at public expense. The denial of access to court-appointed counsel is based on the limited dispositions that the juvenile court may impose on juvenile petty offenders. Minnesota Statutes, section 260B.235, subd. 4 (2002). However, children who are charged with a third or subsequent juvenile alcohol or controlled substance offense are subject to out-of-home placement and therefore have a right to court-appointed counsel, despite their status as juvenile petty offenders. If the court is authorized to impose a disposition that includes out-of-home placement, then the provisions of Minn. R. Juv. Del. P. 3.02, subd. 5 and 17.02 are applicable and provide the child a right to counsel at public expense.

8. Amend Rule 4.01 as follows:

Issuance of search warrants based on oral testimony is governed by Minnesota Rules of Criminal Procedure 33.04 and 36, except as modified by this Rule. If the focus of the warrant pertains to a juvenile, the court may designate on the ~~face of the~~ warrant that it shall be filed in the juvenile court. When so designated, the ~~original warrant, the duplicate original warrant,~~ the certified transcript of the oral application for the warrant, any longhand verbatim

record, and any related documents shall be deemed to be a juvenile court record under Rule 30.

9. Amend Rule 4.02 as follows:

Issuance of search warrants based upon written application is governed by Minnesota Statutes, sections 626.04 through 626.18 and Minnesota Rules of Criminal Procedure 33.04 and 33.05, except as modified by this Rule. If the focus of the warrant pertains to a juvenile, the court may designate on the face of the warrant that it shall be filed in the juvenile court. When so designated, the search warrant, warrant application, affidavit(s) or other supporting documents, and inventories, including statements of unsuccessful execution and documents required to be served shall be deemed to be a juvenile court record under Rule 30.

10. Amend Rule 4.03, subd. 1, as follows:

Subdivision 1. Probable Cause Required. Probable cause may be established as authorized by Rule 6.05 ~~by facts set forth in writing attached to the charging document, by facts set forth in the charging document, by affidavit(s) attached to the charging document, or by sworn testimony presented to the court on the record.~~

11. Amend Rule 4.03, subd. 8, as follows:

Subd. 8. When Executed. A warrant may be executed at any time unless the judge who issues the warrant limits in writing on the warrant the time during which the warrant may be executed. If the offense is a delinquency misdemeanor, juvenile petty offense or juvenile traffic offense, the child may not be taken into custody on Sunday or between the hours of 10:00 p.m. and 8:00 a.m. on any other day except by direction of the judge.

12. Amend the Comments to Rule 4 as follows:

If the child fails to appear in response to a summons without reasonable cause, then the court may issue a warrant to take the child into immediate custody pursuant to Minn. R. Juv. Del. P. 4.03, subd. 2. See Minnesota Statutes, section 260B.154 (2002). Probable cause is required for every warrant issued. Before the court may issue a warrant, it shall make a finding of probable cause based on the contents of the charging document, any supporting affidavits ~~documents~~ or sworn supplemental testimony to believe that the child committed an act governed by Minnesota Statutes, section 260B.007, subs. 6 or 16, or Minnesota Statutes, section 260B.225. In addition, the court must also find either that the summons was personally served on the child and the child failed to appear, that service will

be ineffectual, or, for a delinquent child or child alleged to be delinquent, that there is a substantial likelihood that the child will not respond to a summons, or that the child or others are in danger of imminent harm. Minnesota Statutes, section 260B.154 (2002).

Minn. R. Juv. Del. P. 4.03, subd. 4 prescribes the contents of the warrant. When a child is taken into custody, a detention hearing shall commence pursuant to Minn. R. Juv. Del. P. 5.07 within thirty-six (36) hours, excluding Saturdays, Sundays, and holidays, or within twenty-four hours, excluding Saturdays, Sundays, and holidays, if the child is detained in an adult jail or municipal lockup.

Under Minn. R. Juv. Del. P. 4.03, subd. 5, a warrant may be executed only by a peace officer. Limitations on the manner of execution are the same as those set out in Minn. R. Crim. P. 3.03, subd. 3 for adults where the offense charged is a misdemeanor or non-criminal offense. The minor nature of delinquency misdemeanors, juvenile petty and juvenile traffic offenses should not ordinarily justify taking a child into immediate custody during the proscribed period of time.

13. Amend Rule 5.02, subd. 4, as follows:

Subd. 4. Place of Detention for Juvenile Petty or Traffic Offenders. A place of detention for a juvenile petty or traffic offender can be any one of the following places:

- (A) a child's relative;
- (B) a standby or temporary custodian~~designated caregiver~~ under Minnesota Statutes, chapter ~~257A~~257B; or
- (C) a shelter care facility.

14. Amend Rule 5.04, subd. 4, as follows:

Subd. 4. Probable Cause Determination.

(A) *Time Limit.* The child shall be released no later than forty-eight (48) hours after being taken into custody without a court order or warrant signed by a judge, including the day the child was detained, Saturdays, Sundays and legal holidays, unless the court determines there is probable cause to believe the child committed the offense(s) alleged.

(B) *Application and Record.* The facts establishing probable cause to believe the offense(s) was committed and that the child committed the offense(s) shall be presented to the judge upon oath, either orally or in writing, or signed under penalty of perjury pursuant to Minnesota Statutes, section 358.116. Oral testimony shall be recorded and retained by the judge. Facts that are contained in a written document may be presented to the judge by telephone, ~~facsimile~~, video, or other ~~similar~~

~~device~~electronic means. If probable cause is determined on facts contained in a written document and the judge is not ~~personally present~~available to sign the determination, the document shall be presented to the judge for signature within two (2) business days. The judge shall be advised if a prior request for a probable cause determination was made and turned down relative to the same incident.

(C) *Approval of Prosecuting Attorney.* No request for a probable cause determination may proceed without approval by the prosecuting attorney. The person requesting the probable cause determination shall, under oath or signed under penalty of perjury pursuant to Minnesota Statutes, section 358.116, state that the prosecutor approves the request. If the prosecutor is unavailable, the court may make the probable cause determination if the matter should not be delayed.

(D) *Determination.* After the information is presented, the court shall determine whether there is probable cause to believe an offense(s) was committed and that the child committed the offense(s). If probable cause is found, the court may order continued detention pursuant to Rule 5, and release the child with conditions or with no conditions. A written determination of probable cause shall be filed with the court and a copy provided to the child and child's counsel.

15. Amend the Comments to Rule 5, paragraph 9, as follows:

Minn. R. Juv. Del. P. 5.05, subd. 4 requires the court administrator to notify the office of the Public Defender that a child is in custody and the time of the detention hearing ~~and to provide facsimile copies of all reports transmitted to the court.~~ If a specific attorney has been assigned to represent the child, that attorney should receive notice. In jurisdictions where public defenders rotate, notice to the chief public defender would be sufficient. Minnesota data privacy laws do not restrict notification of counsel of a child's detention prior to the first appearance in court and appointment of counsel. The rules of professional responsibility and attorney client privilege adequately protect the privacy of the child.

16. Amend Rule 6.01 as follows:

A charging document is a petition, ~~tab charge~~ or a citation, and includes charging documents filed in paper form, or charging documents or data filed by electronic means authorized by the State Court Administrator.

17. Amend Rule 6.02 as follows:

Rule 6.02 ~~Tab Charge or Citation~~

Subdivision 1. Generally. Juvenile petty offenses as defined by Minnesota Statutes, section 260B.007, subdivision 16, delinquency misdemeanors, juvenile traffic offenses and gross misdemeanors under Minnesota Statutes, chapter

169A may be charged by ~~tab charge or citation~~. Before entering a plea of guilty or not guilty to alleged misdemeanor or gross misdemeanor charge(s), the child may demand that a petition be filed with the court. If a petition is demanded, the prosecuting attorney shall have thirty (30) days to file the petition unless the child is in custody. The prosecuting attorney shall have ten (10) days to file a petition if a demand is made by a child in custody or the child shall be released.

Subd. 2. Filing. Before a ~~tab charge or citation~~ may be filed with the court by the ~~peace officer or attendance officer who issued the charges~~, it shall be ~~endorsed~~screened by the prosecuting attorney to ~~permit screening for diversion programs~~eligibility. ~~A tab charge or citation may be filed in paper form, or by~~A citation must be filed by electronic means authorized by the State Court Administrator when the technology is available, otherwise a citation may be filed in a paper form approved by the State Court Administrator. Filing a ~~tab charge or citation~~ gives the juvenile court jurisdiction over the matter.

Subd. 3. Contents of ~~Tab Charge or Citation~~. ~~Tab charges or eCitations~~ shall contain:

- (A) the name, address, and date of birth, ~~and race~~ of the child;
- (B) the name and address of the parent, legal guardian or legal custodian of the child;
- (C) the offense charged and a reference to the statute or local ordinance which is the basis for the charge;
- (D) the time and place and county of the alleged offense; ~~and~~
- (E) a designation of the case as a delinquency, a juvenile petty offense, or a juvenile traffic offense; and
- ~~(E)~~(F) other administrative information published by the State Court Administrator.

Subd. 4. Notice of Court Appearance. When a ~~tab charge or citation~~ is filed with the court, the court administrator shall promptly schedule the matter for hearing and send notices as provided by Rule 25.

18. Amend Rule 6.03 as follows:

Subdivision 1. Generally. A child alleged to be delinquent because of a felony or gross misdemeanor offense (except gross misdemeanors under Minnesota Statutes, chapter 169A, which may be charged by ~~tab charge or citation~~) shall be charged by petition. A child alleged to be delinquent because of a misdemeanor offense may be charged by petition. A child charged with a juvenile petty offense or a juvenile traffic offense may be charged by petition.

Subd. 2. Filing. Each petition shall be signed by the prosecuting attorney before it is filed with the court. The signature of the prosecuting attorney shall be an acknowledgement that the form of the petition is approved and that reasonable grounds exist to support the petition. A delinquency petition may be filed without the prosecutor's signature if the prosecutor is unavailable and a judge determines that filing and the issuance of process should not be delayed. A petition must be filed by electronic means authorized by the State Court Administrator when the technology is available, otherwise a petition may be filed in paper form. Electronic signature of petitions is governed by Minnesota Rule of Criminal Procedure 1.06, subdivision 3.

Subd. 3. Contents of the Delinquency Petition. Every petition alleging a child is delinquent shall contain:

- (A) a concise statement alleging the child is delinquent;
- (B) a description of the alleged offense and reference to the statute or ordinance which was violated;
- (C) ~~the applicable Minnesota Offense Code (MOC);~~
- ~~(D)~~ the name, date of birth, and address, ~~and race~~ of the child;
- ~~(E)~~ (D) the names and addresses of the child's parent(s), legal guardian, legal custodian, or nearest known relative;
- ~~(F)~~ (E) the name and address of the child's spouse; and
- ~~(G)~~ (F) other administrative information authorized by the Supreme Court Juvenile Delinquency Rules Committee and published by the State Court Administrator.

Subd. 4. Separate Counts. A petition may allege separate counts, whether the alleged delinquent acts arise out of the same or separate behavioral incidents.

Subd. 5. Contents of Petition Alleging Juvenile Petty Offender or Juvenile Traffic Offender. Every petition alleging a child is a juvenile petty offender or alleging a child is a juvenile traffic offender shall contain:

- (A) a concise statement alleging that the child is a juvenile petty offender or a juvenile traffic offender;
- (B) the name, address, date of birth, and for juvenile traffic offenders, the driver's license number of the child, if known;
- (C) the name and address of the parent(s), legal guardian, or legal custodian of the child;
- (D) a description of the offense charged and reference to the statute or ordinance which is the basis for the charge;
- ~~(E) the applicable Minnesota Offense Code (MOC);~~

~~(F)~~ the date, county, and place of the alleged offense; and
~~(G)~~(F) other administrative information authorized by the Supreme Court Juvenile Delinquency Rules Committee and published by the State Court Administrator.

19. Amend Rule 6.04, subd. 2, as follows:

Subd. 2. Prohibited.

(A) A charging document alleging a child is delinquent shall not be amended to allege a child is in need of protection or services.

(B) A charging document alleging a juvenile petty or traffic offense shall not be amended to allege the child is delinquent.

(C) A petition alleging that a child is in need of protection or services shall not be amended to allege a delinquency, juvenile petty offense or juvenile traffic offense.

20. Amend Rule 6.05, subd. 1, as follows:

Subdivision 1. Establishing Probable Cause. The facts establishing probable cause may be set forth in writing in the charging document ~~or police reports may be attached to the charging document.~~ No police reports or other supporting documents may be attached to the charging document at the time of filing to establish probable cause. ~~If police reports are attached to the charging document to establish probable cause, the child shall have the right to demand a statement establishing probable cause with specificity. Once demanded, the prosecuting attorney shall have ten (10) days to file with the court and serve on opposing counsel, the specific statement of probable cause.~~ Probable cause may also be ~~presented~~ established by subsequently filed police reports, sworn affidavits, or written statements signed under penalty of perjury pursuant to Minnesota Statutes, section 358.116, ~~attached to a charging document~~ or by sworn testimony presented to the court. If police reports are subsequently filed in support of the charging document to establish probable cause, the child shall have the right to demand a statement establishing probable cause with specificity. Once demanded, the prosecuting attorney shall have ten (10) days to file with the court and serve on opposing counsel, the specific statement of probable cause. If testimony is presented, a verbatim record of the proceedings shall be made and a transcript of the proceedings prepared and filed with the court.

21. Amend the Comments to Rule 6 as follows:

Previously, this rule only related to petitions in juvenile court. Due in large part to the high volume of gross misdemeanor alcohol related driving offenses, the law was amended to permit tab charges and citations for these offenses

to get cases to court more promptly. In 2015, all references to tab charges were removed from the rules to eliminate tab charges as a valid method of charging in juvenile cases.

~~A citation is defined as a writ issued out of a court of competent jurisdiction or an order issued by police commanding the person named to appear on a designated day and respond to a particular violation. It is most commonly used for minor offenses such as traffic violations. Some "tickets" issued by police are called "citation," some are called "complaint," and some are called "tab charge." The terms have become interchanged in everyday use.~~

~~In its revision of juvenile statutes, the legislature also expanded the list of offenses that may be charged by tab charge rather than petition in juvenile court. See Minnesota Statutes, section 260B.007, subd. 16 (2002). A tab charge is a brief statement entered upon the records by the clerk of the offense charged and citation to the statute, rule, regulation, ordinance or other provision of the law a child is alleged to have violated. The tab charge serves as a substitute for a petition. Tab charges may be used for any misdemeanor and for gross misdemeanors under Minnesota Statutes, chapter 169A. Adults have the right to demand a formal complaint in place of a tab charge. If a demand for a formal complaint is made by an adult charged with a gross misdemeanor alcohol offense, the prosecutor must file the complaint within 48 hours if the defendant is in custody, and within 10 days if not in custody. These rules have afforded juveniles the right to demand a petition where the child is charged with a misdemeanor(s) or gross misdemeanor(s).~~

Minn. R. Juv. Del. P. 6.06, subd. 2 provides that the court administrator shall promptly schedule the matter for hearing when a charging document is filed with the court.

Minn. R. Juv. Del. P. 6.03, subd. 2 provides that a petition shall be signed by the prosecuting attorney before it is filed with the court. Minnesota Statutes, section 260B.141, subd. 1 (2002) provides that any reputable person having knowledge of a child who is a resident of this state, who appears to be delinquent, may petition the juvenile court.

Minn. R. Juv. Del. P. 6.03, subs. 3 and 5 set forth the necessary contents of the petition. A sample petition form as well as a listing of the administrative content approved by the Juvenile Delinquency Rules Committee ~~will have been~~ published by the State Court Administrator on the Minnesota Judicial Branch website. The reference to the Minnesota Offense Code was removed from this rule in 2015 in recognition of the possible transition away from the use of MOC codes and to another coding system that will serve the same purpose. Although the

reference to MOC codes was removed from the rules, the MOC code is still required as part of the “other administrative information” that was approved by the committee and published by the State Court Administrator. Any changes regarding what is required for coding purposes will be addressed in that document.

The references to ~~tab charges and~~ citations filed by electronic means are intended to recognize that in some counties law enforcement has already begun to electronically file ~~tab charges and~~ citations in juvenile cases. It is understood that electronic filing of ~~tab charges and citations~~ and petitions is not available statewide at this time. The rule authorizes and requires electronic filing ~~the practice~~ in the locations where ~~it currently exists~~ the technology is available, and ~~authorizes~~ anticipates the expansion of the practice ~~as it becomes technologically feasible~~ in other locations as facilitated by State Court Administration. Juvenile citations filed in paper form currently vary statewide. It is anticipated that a statewide standard will be created for use in juvenile cases, in consultation with justice agency partners, which will either be similar to or a modification to the current adult standard commonly referred to as the Statewide Standard Citation. When a statewide standard for juvenile citations is created, it will be published on the Minnesota Judicial Branch Statewide Standard Citation website and communicated statewide. Once the juvenile standard citation is available, its use will be mandatory in juvenile cases.

22. Amend Rule 7.04, subd. 1, as follows:

Subdivision 1. Initial Procedure. At the commencement of the hearing, the court shall on the record:

- (A) verify the name, age, ~~race~~, and residence of the child who is charged;
- (B) determine whether all necessary persons are present and identify those present for the record;
- (C) determine whether notice requirements have been met and if not, whether the affected persons waive notice;
- (D) determine whether the child is either represented by counsel or waives counsel in the manner provided by Rule 3;
- (E) if the child appears without counsel, and the court determines the child has properly waived the child's right to counsel, the court shall advise the child of all trial rights and other rights provided by these rules;
- (F) explain to the child and the child's parent(s), legal guardian or legal custodian, if present, the child's right to remain silent in this and subsequent appearances before the court; and
- (G) if two or more children are charged jointly with the same offense, advise the child of the danger of dual representation pursuant to Rule 3.03.

23. Amend Rule 8.03 as follows:

Except when the child is in detention, the court may permit a written plea of not guilty or a plea of not guilty on the record to be entered by child's counsel without the personal appearance of the child, child's parent(s), legal guardian or legal custodian or their counsel. The child's counsel shall immediately furnish a copy of the written plea of not guilty to the prosecuting attorney, ~~either personally or by mail. A copy of the written plea of not guilty may also be furnished to the prosecuting attorney by electronic means if authorized by Minnesota Supreme Court Order and if furnished in accordance with that order.~~

24. Amend Rule 8.04, subd. 1(D), as follows:

(D) *Right to Counsel.* If a child charged with a misdemeanor in a delinquency matter remains without counsel or with only standby counsel, that the child understands the continued right to be represented by counsel, and understands that counsel:

(1) could give the child further information and advice on the child's rights and on the choice to plead guilty or not guilty to the offenses in the charging document; and

(2) could assist the child during a trial, to protect all rights of the child that arise in the course of a trial;

25. Amend Rule Rule 10.07, subd. 3, as follows:

Subd. 3. Transcription, Certification and Filing. When the testimony is fully transcribed, the person before whom the deposition was taken shall certify on the deposition that the witness was duly sworn and that the deposition is a verbatim record of the testimony given by the witness. That person shall then ~~securely seal the deposition in an envelope endorsed with~~ secure the deposition, noting the title of the case and marked "Deposition of (here insert name of witness)" and shall promptly file it under seal with the court in which the case is pending ~~or send it by registered or certified mail to the court administrator thereof for filing.~~ The deposition must not be unsealed or disclosed except by court order. Upon the request of the child's counsel or the prosecuting attorney, documents and other things produced during the examination of a witness, or copies thereof, shall be marked for identification and annexed as exhibits to the deposition, and may be inspected and copied by the child's counsel and the prosecuting attorney. The person taking the deposition shall mark the exhibits, and after giving opposing counsel an opportunity to inspect and copy them, return the exhibits to the person producing them. The exhibits may then be used in the same manner as if annexed to the deposition.

26. Amend Rule 14.05 as follows:

The court by warrant may direct any officer authorized by law to bring the child forthwith before the court for the hearing of the motion if the court finds from affidavit, written statements signed under penalty of perjury pursuant to Minnesota Statutes, section 358.116, or testimony that:

(A) there is probable cause to believe the child committed a material violation of the agreement;

and

(B) there is a substantial likelihood that the child otherwise will not attend the hearing.

In any case, the court may issue a summons instead of a warrant to secure the appearance of the child at the hearing.

27. Amend Rule 14.07 as follows:

If no motion by the prosecuting attorney to terminate the agreement is pending, the agreement is terminated and the charging document shall be dismissed ~~by order of the court~~ one month after expiration of the period of suspension specified by the agreement. If such a motion is then pending, the agreement is terminated and the charging document shall be dismissed by order of the court upon entry of a final order denying the motion. Following a dismissal under this subdivision no further juvenile proceedings may be brought against the child for the offense involved.

28. Amend Rule 15.02, subd. 4, as follows:

Subd. 4. Transfer of File. If the matter is to be transferred to the child's county of residence for disposition, the court shall order a continuance and direct the court administrator to transfer the file to the juvenile court in the child's home county within five (5) days of the finding that the offense(s) charged have been proved. Venue transfers in juvenile court are governed by Minnesota Statutes, section 260B.105, except that case records and documents transferred electronically from one county to another within the court's case management system need not be certified. For convenience of the participants, the court which accepts a plea may determine the disposition for the court which will supervise the child's probation, if the transferring court has conferred with the receiving court and there is agreement regarding the disposition.

29. Amend Rule 15.03, subd. 4, as follows:

Subd. 4. Filing and Inspection of Reports. The person making the report shall file the report three (3) days prior to the time scheduled for the disposition hearing and the reports shall be available for inspection and copying by the child, the child's counsel, the prosecuting attorney and counsel for the parent(s), legal guardian or legal custodian of the child. ~~The court administrator should not otherwise disclose the report~~ shall not be disclosed to the public except by court order.

30. Amend Rule 15.05, subd. 1, as follows:

Subdivision 1. Adjudication and Disposition. On each of the charges found by the court to be proved, the court shall either:

(A) adjudicate the child delinquent pursuant to Minnesota Statutes, section 260B.198, subdivision 1; or

(B) continue the case without adjudicating the child delinquent ~~and order a disposition pursuant to Minnesota Statutes, section 260B.198, subdivisions 1(1) or (2) 7.~~

The adjudication or continuance without adjudication shall occur at the same time and in the same court order as the disposition.

31. Amend Rule 15.05, subd. 3, as follows:

Subd. 3. Duration. A dispositional order transferring legal custody of the child pursuant to Minnesota Statutes, section 260B.198, subdivision 1~~(e)~~(3) shall be for a specified length of time. The court may extend the duration of a placement but only by instituting a modification proceeding pursuant to Rule 15.08. Orders for probation shall be for an indeterminate length of time unless otherwise specified by the court and shall be reviewed by the court at least annually.

32. Amend Rule 15.05, subd. 4, as follows:

Subd. 4. Continuance without Adjudication.

(A) *Generally.* When it is in the best interests of the child and not inimical to public safety~~the protection of the public~~ to do so, the court may continue the case without adjudicating the child. The court may not grant a continuance without adjudication where the child has been designated an extended jurisdiction juvenile.

(B) *Child Not in Detention.* If the child is not held in detention, the court may continue the case without adjudication for a period not to exceed one hundred eighty (180)~~ninety (90)~~ days from the date of disposition. The court may extend the continuance for an additional successive period not to exceed one hundred eighty (180)~~ninety (90)~~ days with the consent of the prosecutor and only

after the court has reviewed the case and entered its order for the additional continuance without a finding of delinquency.

(C) *Child in Detention.* If the child is held or is to be held in detention, the court may continue the case without adjudication and enter an order to hold the child in detention for a period not to exceed fifteen (15) days from the date of disposition. If the child is in detention, this continuance must be for the purpose of completing any consideration, or any investigation or examination ordered pursuant to Rule 15.03, subdivision 1. The court may extend this continuance and enter an order to hold the child in detention for an additional successive period not to exceed fifteen (15) days.

(D) *Dispositions During Continuance.* During any continuance without adjudication of delinquency, the court may enter a disposition order pursuant to Minnesota Statutes, section 260B.198, subdivisions 1, except clause (4)(a) or (b).

(E) *Adjudication after Continuance.* Adjudicating a child for an offense after initially granting a continuance without adjudication is a probation revocation and must be accomplished pursuant to Rule 15.07.

(F) *Termination of Jurisdiction.* A probation revocation proceeding to adjudicate the child on any allegation initially continued without adjudication must be commenced within the period prescribed by Rule 15.05, subdivisions 4 (B) or (C), or juvenile court jurisdiction over the charges terminates.

33. Amend Rule 15.07, subd. 1(A), as follows:

(A) *Contents of Probation Violation Report.* The probation violation report and supporting affidavits, or written statements signed under penalty of perjury pursuant to Minnesota Statutes, section 358.116, if any, shall include:

- (1) the name, date of birth and address of the child;
- (2) the name and address of the child's parent(s), legal guardian, or legal custodian;
- (3) the underlying offense or offenses and date(s) of offense for which violation of probation is alleged; and
- (4) a description of the surrounding facts and circumstances upon which the request for revocation is based.

34. Amend Rule 15.08, subd. 3, as follows:

Subd. 3. Motion for Modification. All modification proceedings, shall be commenced by the filing of a motion or petition to modify the disposition. The motion for modification shall be in writing and shall be served and filed along with accompanying ~~affidavits~~ attachments, if any, in accordance with Rule 27. The motion or its attachments shall state the proposed modification and the facts and circumstances supporting such a modification.

35. Amend Rule 15.08, subd. 5, as follows:

Subd. 5. Good Cause. Within ten (10) days of filing a motion or written request, the court shall determine from the written request or motion and accompanying ~~affidavits~~attachments, if any, whether there is good cause to believe that a modification of the disposition is warranted under Rule 15.08, subdivision 8. If the court finds that good cause exists the court shall schedule a modification hearing within ten (10) days of such finding and issue a notice in lieu of summons or a summons in accordance with Rule 15.08, subdivision 6(A). If the court finds that good cause does not exist, the court shall issue an order denying the motion or written request for modification.

36. Amend Rule 16.01, subd. 2, as follows:

Subd. 2. Basis of Motion. A motion for a new trial shall be made and heard on the files, exhibits and minutes of the court. Pertinent facts that would not be a part of the minutes may be shown by affidavit or written statement signed under penalty of perjury pursuant to Minnesota Statutes, section 358.116, except as otherwise provided by these rules. A full or partial transcript of the court reporter's notes of the testimony taken at the trial or other verbatim recording thereof may be used on the hearing of the motion.

37. Amend Rule 16.01, subd. 4, as follows:

Subd. 4. Time for Serving Affidavits or Written Statements. When a motion for new trial is based on affidavits or written statements signed under penalty of perjury pursuant to Minnesota Statutes, section 358.116, they shall be served with the notice of motion. The prosecuting attorney shall have ten (10) days after such service in which to serve responsive ~~affidavits~~documents. The period may be extended by the court upon an order extending the time for hearing under this rule. The court may permit reply ~~affidavits~~documents.

38. Amend Rule 17.05, subd. 3(F), as follows:

(F) *For a Juvenile Petty Offender.*

(1) the dispositions that may be imposed pursuant to Minnesota Statutes, section 260B.235, subdivisions 4, 5 and 6 if the child pleads guilty or, after a trial, the court finds that the allegations of the charging document have been proven beyond a reasonable doubt; and

(2) if the offense is a second misdemeanor-level juvenile petty offense, the possibility that any same or similar offense will be charged as a misdemeanor in a delinquency petition;

39. Amend Rule 17.10 as follows:

Subdivision 1. On Motion of Court or Prosecuting Attorney. The court, after a hearing and on its own motion or on motion of the prosecuting attorney, may transfer a juvenile traffic offender case to adult court if makes a written order to transfer which finds that the welfare of the child or public safety would be better served under the laws relating to adult traffic matters.

Subd. 2. Method of Transfer. The court shall transfer the case by ~~forwarding~~transferring all documents in the court file to adult court together with the order to transfer.

Subd. 3. Effect of Transfer. Upon transfer, jurisdiction of the juvenile court is deemed not to have attached and the adult court shall proceed with the case as if it had never been in juvenile court.

40. Amend Rule 18.01, subd. 2, as follows:

Subd. 2. First Degree Murder Acquisition. The district court has original and exclusive jurisdiction in criminal proceedings concerning a child alleged to have committed murder in the first degree after becoming sixteen (16) years of age. Upon the filing of a complaint or indictment charging a sixteen (16) or seventeen (17) year old child in adult court proceedings with the offense of first degree murder, juvenile court jurisdiction terminates for all proceedings arising out of the same behavioral incident.

41. Amend Rule 18.04, subd. 4, as follows:

Subd. 4. Filing and Access to Reports. The person(s) making a study shall file a written report with the court and provide copies to the prosecuting attorney and the child's counsel four (4) days, excluding Saturdays, Sundays, and legal holidays, prior to the time scheduled for the hearing. The ~~court administrator~~report shall not ~~otherwise~~be disclosed to the public ~~the report~~ except by court order.

42. Amend Rule 19.03, subd. 4, as follows:

Subd. 4. Filing and Access to Reports. The person(s) making a study shall file a written report with the court and provide copies to the prosecuting attorney and the child's counsel four (4) days, excluding Saturdays, Sundays, and legal holidays, days prior to the time scheduled for the hearing. The ~~court~~

administrator report shall not ~~otherwise be~~ disclosed to the public ~~the report~~ except by court order.

43. Amend Rule 19.04, subd. 2(B), as follows:

(B) At the initial appearance hearing, the court shall:

(1) verify the name, age, ~~race,~~ and residence of the child who is the subject of the matter; (2) determine whether all necessary persons are present, and identify those persons for

the record;

(3) appoint counsel if not previously appointed;

(4) determine whether notice requirements have been met and if not whether the affected persons waive notice;

(5) schedule further hearings including: a probable cause hearing, unless waived; the contested hearing required by Rule 19.04, subdivision 3; and a pre-hearing conference if requested; and

(6) order studies pursuant to Rule 19.03, if appropriate.

44. Amend Rule 19.07, subd. 4, as follows:

Subd. 4. Venue Transfer. When the court deems it appropriate, taking into account the best interest of the child or of society, or the convenient administration of the proceedings, the court may transfer venue of the case to the juvenile court of the county of the child's residence. With the consent of the receiving court, the court may also transfer the case to the juvenile court of the county where the child is found or the county where the alleged offense occurred. The transfer shall be processed in the manner provided by Minnesota Statutes, section 260B.105, except that case records and documents transferred electronically from one county to another within the court's case management system need not be certified. The receiving court thereafter has venue for purposes of all proceedings under Rules 19.10 (disposition and sentencing upon conviction in extended jurisdiction juvenile proceedings) and 19.11 (revocation of stay of adult criminal sentence).

45. Amend Rule 19.09, subd. 2(A), as follows:

(A) *Notice.* Within seven (7) days after filing of a designation of the proceeding as an extended jurisdiction juvenile prosecution by the court or prosecutor, or at such later time if permitted by the court upon good cause shown and upon such conditions as will not unfairly prejudice the child, the prosecutor shall ~~serve and file~~ and serve on the child's attorney written notice of intent to seek an aggravated adult criminal sentence as defined in Minnesota Rules of Criminal Procedure 1.04(d). The notice shall include the grounds or statutes

relied upon and a summary statement of the factual basis supporting the aggravated adult criminal sentence.

46. Amend Rule 19.10, subd. 3, as follows:

Subd. 3. Limitation on Certain Extended Jurisdiction Juvenile Dispositions. If an extended jurisdiction juvenile prosecution, initiated by designation by the prosecuting attorney, results in a guilty plea or a conviction for an offense other than a presumptive commitment to prison under the Minnesota Sentencing Guidelines or a felony committed using a firearm, the court shall only impose one or more dispositions under Minnesota Statutes, section 260B.198. But if the child has ~~pleaded~~ pleaded guilty and consents, even if the plea or the conviction is for an offense other than a presumptive commitment under the guidelines, the court may also impose a stayed adult criminal sentence under Rule 19.10, subdivision 1.

47. Amend Rule 19.10, subd. 4, as follows:

Subd. 4. Venue. If the child's county of residence is not the same county where the offense occurred, venue of the case may be transferred as provided by Minnesota Statutes, section 260B.105, except that case records and documents transferred electronically from one county to another within the court's case management system need not be certified. The conditions under which the execution of any adult sentence are stayed shall be determined by the juvenile court having jurisdiction to impose and supervise any juvenile court disposition. The stayed adult sentence may be pronounced by the judge who presided over the trial or who accepted a plea of guilty. If venue for the juvenile disposition is being transferred to the child's county of residence, ~~prior to making the transfer,~~ the transferring court shall prepare and ~~file with~~ provide to the receiving court, a copy of the juvenile's file, including any plea and sentencing transcript, if any, and the adult stayed sentence form or order.

48. Amend Rule 19.10, subd. 5, as follows:

Subd. 5. Record of Proceedings.

(A) A verbatim record shall be made of all plea and sentencing proceedings.

(B) A record of the adult stayed sentence shall also be recorded in a sentencing form or order that, at a minimum, contains:

(1) the child's name;

(2) case number;

(3) for each count:

(a) if the child pled guilty to or was found guilty of the offense:

- (i) the offense date;
- (ii) a citation to the offense statute;
- (iii) the precise terms of the adult criminal sentence, and that execution has been stayed;
- (iv) the level of sentence; and
- (v) the amount of time spent in custody, if any; or
- (b) if the child did not plead guilty to or was not found guilty of the offense, that the child was acquitted or the count was dismissed; and
- (4) the signature of the sentencing judge.

~~Where venue is transferred as provided in subdivision 4, a copy of the sentencing form or order shall be filed with the transferring court.~~

49. Amend Rule 19.11, subd. 1(B), as follows:

(B) *Contents of Warrant and Summons.* Both the warrant and summons shall contain the name of the probationer, a description of the stayed sentence sought to be revoked, and the signature of the issuing judge or judicial officer of the district court, ~~and shall be accompanied by the written report upon which it was based.~~ The amount of any bail or other conditions of release may be set by the issuing judge or judicial officer and ~~endorsed~~ stated on the warrant. The warrant shall direct that the probationer be brought promptly before the court. The warrant shall direct that the probationer be brought before a judge or judicial officer without unnecessary delay, and in any event not later than thirty-six (36) hours after the arrest exclusive of the day of arrest. The summons shall summon the probationer to appear at a stated time and place to respond to the revocation charges.

50. Amend Rule 20.01, subd. 3(D), as follows:

(D) *Report of Examination.* Within sixty (60) days, the examiner shall ~~send~~ file a written report ~~to the judge who ordered such examination with the court,~~ and the court shall provide a copy to the prosecuting attorney and the child's counsel. The report contents shall not be otherwise disclosed until the hearing on the child's competency. The report shall include:

- (1) A diagnosis of the mental condition of the child;
- (2) If the child is mentally ill or mentally deficient, an opinion as to:
 - (a) whether the child can understand the proceedings and participate in the defense;
 - (b) whether the child presents an imminent risk of serious danger to another person, is imminently suicidal, or otherwise needs emergency intervention;

(c) whether the child requires any treatment to attain competency and if so, the appropriate treatment alternatives by order of choice, the extent to which the child can be treated as an outpatient and the reasons for rejecting such treatment if institutionalization is recommended; and

(d) whether, with treatment, there is a substantial probability that the child will attain competency and if so, when the child is expected to attain competency and the availability of inpatient and outpatient treatment agencies or facilities in the local geographical area;

(3) A statement of the factual basis upon which the diagnosis and opinion are based; and

(4) If the examination could not be conducted because the child is unwilling to participate, a statement to that effect with an opinion, if possible, as to whether the child's unwillingness was the result of mental illness or deficiency.

51. Amend Rule 20.01, subd. 5(B), as follows:

(B) *Finding of Incompetency.* If the offense is a misdemeanor, juvenile petty matter offense, or juvenile traffic offense, and the court determines that the child is incompetent to proceed, the matter shall be dismissed. If the offense is a gross misdemeanor, and the court determines that the child is incompetent to proceed, the court has the discretion to dismiss or suspend the proceedings against the child except as provided by Rule 20.01, subdivision 7. If the offense is a felony, and the court determines that the child is incompetent to proceed, the proceedings against the child shall be further suspended except as provided by Rule 20.01, subdivision 7.

(1) If the court determines that the child is mentally ill or deficient so as to be incapable of understanding the proceedings or participation in the defense, the court shall order any existing civil commitment continued. If the child is not under commitment, the court may direct provisions of the Minnesota Commitment Act, Chapter 253B.

(2) If it is determined that commitment proceedings are inappropriate and a petition has been filed alleging the child is in need of protection or services (CHIPS), the court shall order such jurisdiction be continued. If the child is not under CHIPS jurisdiction, the court may order the child held for up to seventy-two (72) hours and direct CHIPS proceedings to be initiated.

(3) If it is determined that neither commitment proceedings nor CHIPS proceedings are appropriate, the child shall be released to the child's parent(s), legal guardian or legal custodian under conditions deemed appropriate to the court.

52. Amend Rule 20.01, subd. 6, as follows:

Subd. 6. Continuing Supervision by the Court. In felony and gross misdemeanor cases in which proceedings have been suspended, the person charged

with the child's supervision, such as the head of the institution to which the child is committed, shall report to the trial court on the child's mental condition and competency to proceed at least every six (6) months unless otherwise ordered. The court shall provide a copy ~~Copies of the reports shall also be sent~~ to the prosecuting attorney and to the child's counsel.

53. Amend Rule 20.02, subd. 1(A), as follows:

(A) If the child intends to raise mental illness or mental deficiency as a defense, the child's counsel shall advise the court and prosecuting attorney in writing ~~at~~before the omnibus hearing or no less than ten (10) days before the trial, whichever is earlier. The notice shall provide the court and prosecuting attorney with a statement of particulars showing the nature of the mental illness or mental deficiency expected to be proved and the names and addresses of witnesses expected to prove it.

54. Amend Rule 20.02, subd. 4(A), as follows:

(A) *Order for Disclosure.* If a child raises the defense of mental illness or mental deficiency, the trial court, on motion of the prosecuting attorney and notice to the child's counsel may order the child to furnish either to the court or to the prosecuting attorney copies of all medical reports and hospital and medical records previously or thereafter made concerning the mental illness or mental deficiency of the child and relevant to the issue of the defense of mental illness or mental deficiency. If the copies of the reports and records are furnished to the court for in camera review, the court shall inspect them to determine their relevancy. If the court determines they are relevant, they shall be delivered to the prosecuting attorney. Otherwise, they shall be returned to the child. If the child is unable to comply with the court order, a subpoena duces tecum may be issued.

55. Amend Rule 20.02, subd. 5, as follows:

Subd. 5. Report of Examination. At the conclusion of the examination, a written report of the examination shall be ~~forwarded to the judge who ordered the examination~~ filed with the court, and the court shall provide a copy to the prosecuting attorney and to the child's counsel. ~~The court administrator report shall not otherwise be disclosed to the public~~ the report except by court order. The report of the examination shall contain:

(A) A diagnosis of the child's mental illness or mental deficiency as requested by the court;

(B) If so directed by the court, an opinion as to whether, because of mental illness or deficiency, the child at the time of the commission of the offense charged

was laboring under such a defect of reason as not to know the nature of the act constituting the offense with which child is charged or that it was wrong;

(C) Any opinion requested by the court that is based on the examiner's diagnosis;

(D) A statement of the factual basis upon which the diagnosis and any opinion are based; and

(E) If the examination cannot be conducted by reason of the child's unwillingness to participate, the report shall so state and shall include, if possible, an opinion as to whether the unwillingness of the child was the result of mental illness or deficiency.

56. Add a new Rule 20.03 as follows:

Rule 20.03 Simultaneous Examinations

The court may order a civil commitment examination under Minn. Stat. ch. 253B, or successor statute, a competency examination under Rule 20.01, and an examination under Rule 20.02 to all be conducted simultaneously.

57. Amend Rule 21.03, subd. 2, as follows:

Subd. 2. Procedure for Appeals.

(A) *Orders Revoking Extended Jurisdiction Juvenile Status and Orders Revoking the Stayed Adult Sentence of an Extended Jurisdiction Juvenile.* Probationer appeals under Rule 21.03, subdivision 1(A)(11) and (12) shall be governed by the procedure provided for appeal from a sentence by Minnesota Rules of Criminal Procedure 27.04, subdivision 3(4) and 28.05.

(B) *All Other Appealable Orders.* All other juvenile appeals shall proceed as follows:

(1) *Time for Taking an Appeal.* An appeal shall be taken within thirty (30) days after service of the notice of filing of the appealable order upon the child's counsel by the court administrator as provided in Rule 28.

(2) *Notice of Appeal and Filing.* The appellant shall file the following documents with the clerk of the appellate courts:

(a) a notice of appeal naming the party taking the appeal, identifying the order being appealed, and listing the names, addresses, and telephone numbers of all counsel;

(b) proof of service of notice of appeal on the adverse party, the district court administrator, and the court reporter;

(c) a ~~certified~~ copy of the judgment or order appealed from; and

(d) ~~two copies of~~ the statement of the case as provided for by Minnesota Rules of Civil Appellate Procedure 133.03.

When the disposition is ordered in a county other than the one in which the child pled guilty or was found to have committed the offense(s), the appellant shall serve notice of appeal on the prosecuting attorney, ~~district~~-court administrator and court reporter in the county where the child pled guilty or was found to have committed the offense(s) as well as the prosecuting attorney, ~~district~~-court administrator and court reporter where the disposition was ordered. Proof of service of notice of appeal on all of these persons shall be filed with the clerk of the appellate courts.

Whether a filing fee is required shall be determined pursuant to Minnesota Rules of Civil Appellate Procedure 103.01, subdivision 3. A cost bond is not required.

Except for the timely filing of the notice of appeal, if a party fails to comply with these rules, the validity of the appeal may not be affected except as deemed appropriate by the court of appeals.

(3) *Transcript of Proceedings and Transmission of the Transcript and Record.* The Minnesota Rules of Civil Appellate Procedure shall govern the transcription of the proceedings and the transmission of the transcription and record to the court of appeals except as modified here:

(a) Within ten (10) days of filing the notice of appeal, appellant shall order the necessary transcript and notify the court reporter that the transcript is due within thirty (30) days of the court reporter's receipt of the appellant's request for transcript.

(b) For parties represented by the state public defender, payment for transcripts will be made after receipt of the transcripts.

(c) If the parties have stipulated to the accuracy of a transcript of videotape or audiotape exhibits and made the transcript part of the district court record, it becomes part of the record on appeal, and it is not necessary for the court reporter to transcribe the exhibits. If no such transcript exists, a transcript need not be prepared unless expressly requested by the appellant or the respondent. If the exhibit must be transcribed, the court reporter need not certify the correctness of this transcript.

(4) *Briefs.* The Minnesota Rules of Civil Appellate Procedure shall govern the form and filing of briefs except as modified here:

(a) Extended Jurisdiction Juvenile and Certification Determinations.

(i) The appellant shall serve and file the appellant's brief and ~~appendix~~addendum within thirty (30) days after delivery of the transcript by the reporter. If the transcript is obtained prior to appeal or if the record on appeal does not include a transcript, then the appellant shall serve and file the appellant's brief and ~~appendix~~addendum within thirty (30) days after the filing of the notice of appeal.

(ii) The appellant's brief shall contain a statement of the procedural history.

(iii) The respondent shall serve and file the respondent's brief and ~~appendix~~addendum, if any, within thirty (30) days after service of the brief of appellant.

(iv) The appellant may serve and file a reply brief within fifteen (15) days after service of the respondent's brief.

(b) Briefs For Cases Other Than Extended Jurisdiction Juvenile and Certification Determinations.

(i) The appellant shall serve and file the appellant's brief and ~~appendix~~addendum within forty-five (45) days after delivery of the transcript by the reporter. If the transcript is obtained prior to appeal or if the record on appeal does not include a transcript, then the appellant shall serve and file the appellant's brief and ~~appendix~~addendum within forty-five (45) days after the filing of the notice of appeal.

(ii) The appellant's brief shall contain a statement of the procedural history.

(iii) The respondent shall serve and file the respondent's brief and ~~appendix~~addendum, if any, within thirty (30) days after service of the brief of appellant.

(iv) The appellant may serve and file a reply brief within fifteen (15) days after service of the respondent's brief.

58. Amend Rule 21.03, subd. 4, as follows:

Subd. 4. Release of Child. (A) *Motion for Release Pending Appeal.* When release is not addressed in the motion for a stay, application for release pending appeal shall be made to the trial court. If the trial court refuses to release a child pending appeal, or imposes conditions of release, the trial court shall state the reasons on the record. Thereafter, if an appeal is pending, a motion for release or for modification of the conditions of release pending review may be made to the court of appeals. The motion shall be determined upon such ~~papers~~documents, ~~affidavits~~, and portions of the record as the parties shall present. The court of appeals may order the release of a child with or without conditions, pending disposition of the motion. The motion shall be determined on an expedited basis.

59. Amend Rule 21.04, subd. 1, as follows:

Subdivision 1. Scope of Appeal. The prosecuting attorney may appeal as of right from:

(A) sentences or dispositions imposed or stayed in extended jurisdiction juvenile cases;

(B) denial of a motion for certification or denial of a motion for designation as an extended jurisdiction juvenile prosecution;

(C) denial of a motion to revoke extended jurisdiction juvenile status following an admission of a violation of probation or a determination that a violation of probation has been proven;

(D) denial of a motion to revoke the stay of the adult sentence of an extended jurisdiction juvenile following an admission of a violation of probation or a determination that a violation of probation has been proven;

(E) pretrial orders, including suppression orders;~~and~~

(F) orders dismissing the charging document for lack of probable cause when the dismissal was based solely on a question of law~~;~~ and

(G) a continuance ordered in contravention of Minnesota Statutes, section 260B.198, subd. 7.

Appeals from disposition or sentence shall only include matters that arose after adjudication or conviction. In addition to all powers of review presently existing, the appellate court may review the sentence or disposition to determine whether it is consistent with the standards set forth in Rule 15.05, subdivisions 2 and 3.

60. Amend Rule 21.04, subd. 3(C), as follows:

(C) Prosecutorial appeals under Rule 21.04, subdivision 1(E) shall proceed as follows:

(1) *Time for Appeal.* The prosecuting attorney may not appeal until all issues raised during the evidentiary hearing and pretrial conference have been determined by the trial court. The appeal shall be taken within twenty (20) days after notice of entry of the appealable order is served upon the prosecuting attorney by the ~~district~~ court administrator. An appeal by the prosecuting attorney under this rule bars any further appeal by the prosecuting attorney from any existing orders not included in the appeal. No appeal of a pretrial order by the prosecuting attorney shall be taken after jeopardy has attached. An appeal under this rule does not deprive the trial court of jurisdiction over pending matters not included in the appeal.

(2) *Notice of Appeal and Filing.* Rule 21.03, subdivision 2(B) shall govern notice of appeal and filing of an appeal by the prosecuting attorney ~~except that the prosecuting attorney must file a statement of the case as provided for by Minnesota Rules of Civil Appellate Procedure 133.03. In addition, if~~ a transcript of the proceedings is necessary, the prosecuting attorney must file a copy of the request for transcript with the clerk of the appellate court.

(3) *Briefs.* The Minnesota Rules of Civil Appellate Procedure shall govern the form and filing of briefs except as modified here:

(a) Within fifteen (15) days of delivery of the transcripts, appellant shall file the appellant's brief with the clerk of the appellate courts together with proof of service upon the respondent.

- (b) The appellant's brief shall contain a statement of the procedural history.
- (c) Within eight (8) days of service of appellant's brief upon respondent, the respondent shall file the respondent's brief with the appellate court clerk together with proof of service upon the appellant.

61. Amend Rule 25.01 as follows:

Rule 25.01 Summons, Notice in Lieu of Summons, Oral Notice on the Record, Service by ~~Faeximile Or Other~~ Electronic Transmission and Notice by Telephone

Subdivision 1. Summons. A summons is a document personally served on a person directing that person to appear before the court at a specified time and place. If the person summoned fails to appear, the court may issue an arrest warrant or, for the child, a warrant for immediate custody.

Subd. 2. Notice in Lieu of Summons. A notice in lieu of summons is a document mailed, or electronically transmitted as authorized by the State Court Administrator, by the court administrator to a person who is directed to appear in court at a specified time and place. If a person appears pursuant to the mailed or electronically transmitted notice, the person waives the right to personal service of the summons. If the person fails to appear, the court shall not issue a warrant until personal service is made or attempted unless grounds exist under Rule 4.03.

Subd. 3. Oral Notice on the Record. The court may schedule further proceedings by oral notice to all persons present. Oral notice on the record shall be sufficient notice to all persons present. Any person not present who is entitled to notice, shall receive written notice.

Subd. 4. Detention Hearings: Service by ~~Faeximile or Other~~ Electronic Transmission or Notice by Telephone Permitted.

(A) *Service By ~~Faeximile Or Other~~ Electronic Transmission.*

~~(1) Notice to Defense Counsel; Defense Counsel Access to Child and Reports.~~ If a child is detained pending a detention hearing in a place of detention other than home detention or at home on electronic home monitoring, the court administrator shall give ensure that the child, child's attorney, prosecuting attorney, child's parent(s), legal guardian(s) or legal custodian(s) or spouse of the child the Office of the Public Defender or the child's attorney, if privately retained, receives notice that the child is in custody, and notice of the detention hearing. The court administrator shall also provide to the Office of the Public Defender or the child's attorney copies of the reports filed with the court by the detaining officer and the supervisor of the place of detention. Defense counsel shall have immediate and continuing access to the child. The notice in lieu of summons and copies of the

reports may be provided by ~~facsimile~~electronic transmission, mailed notice, or hand delivery ~~if mailed notice would not be effective given the time remaining before the detention hearing.~~

~~(2) Notice to Prosecuting Attorney. If mailed notice in lieu of summons would not be effective given the time remaining before the detention hearing, notice in lieu of summons may be provided by facsimile transmission or hand delivery.~~

~~(3) Notice to Defense Counsel and the Prosecuting Attorney may also be provided by electronic means if authorized by Minnesota Supreme Court Order and if notice is provided in accordance with that order.~~

(B) *Notice By Telephone.* If the child, child's attorney, prosecuting attorney, child's parent(s), legal guardian(s) or legal custodian(s) or spouse of the child has not received notice of the time and place of the detention hearing and effective service by electronic transmission, mail, or facsimile transmission or hand delivery of the notice in lieu of summons is not possible, the court administrator may provide notice of the time and place of the detention hearing by telephone call.

62. Amend Rule 25.03 as follows:

Subdivision 1. First Notice ~~by Mail.~~ After a charging document has been filed, the court administrator shall schedule a hearing as required by these rules. A notice in lieu of summons shall be served by first class mail, or electronically transmitted as authorized by the State Court Administrator, on the following:

- (A) child and parent(s) or person(s) with custody of the child; and
- (B) child's counsel, prosecuting attorney, spouse of child and their counsel.

The court may waive notice to the parent(s), legal guardian, legal custodian, or spouse of the child if it would be in the child's best interest to proceed without their presence. ~~Notice may also be served by electronic means if authorized by Minnesota Supreme Court Order and if notice is served in accordance with that order.~~

Subd. 2. Personal Service. If the child and/or parent(s) fail to appear in response to one or more notices in lieu of summons served by mail or electronic transmission, a summons may be served personally in the manner provided by Minnesota law. The summons shall advise the person served that a failure to appear may result in the court issuing a warrant for arrest.

Subd. 3. Warrant for Arrest or Immediate Custody. A warrant for arrest or immediate custody may be issued by the court for a child or parent(s) who fail to appear in response to a summons which has been personally served or where reasonable efforts at personal service have been made.

Subd. 4. Timing. A summons shall be personally served at least five (5) days before the hearing. A notice in lieu of summons shall be mailed or electronically transmitted at least eight (8) days before the hearing. These times may be waived by a person or by the court for good cause shown.

Subd. 5. Proof of Service.

(A) *Personal Service.* On or before the date set for appearance, the person who served a summons by personal service shall file a written statement with the court showing:

- (1) that the summons was served;
- (2) the person on whom the summons was served; and
- (3) the date, time, and place of service.

(B) *Service by Mail or Electronic Transmission.* On or before the date set for appearance, the person who served notice in lieu of summons by mail or electronic transmission shall ~~file a written statement with the court showing~~ enter in the court record:

- (1) the name of the person to whom the summons or notice was ~~mailed~~ sent;
- (2) the date the summons or notice was ~~mailed~~ sent; and
- (3) whether the summons or notice was sent by first class mail, certified mail, or electronic transmission.

~~(C) Notice of Detention Hearing: Service by Facsimile Transmission.~~ The person providing notice of a detention hearing by facsimile transmission shall file a written statement with the court showing:

- ~~(1) the name, address and facsimile number of the person to whom the notice was sent by facsimile transmission;~~
- ~~(2) the time and date the facsimile transmission was sent or the efforts to do so;~~
- ~~(3) the reason why notice was not sent by First Class Mail.~~

~~(C)~~ *Notice of Detention Hearing: Telephone Call.* The person providing notice of a detention hearing by telephone call shall file a ~~written statement~~ document with the court ~~showing~~ or make an entry in the court record stating:

- (1) the name, address and telephone number of the person who was contacted with notice of the detention hearing;
- (2) the date and time of the telephone call or the efforts to do so;
- (3) the reason why notice in lieu of summons was not sent by First Class Mail or other authorized means ~~and, in the case of the child's attorney or the prosecuting attorney, why the notice in lieu of summons was not sent by facsimile transmission.~~

63. Amend the Comments to Rule 25 as follows:

Comment--Rule 25

Pursuant to Minnesota Statutes, section 260.141, subd. 1 (1994), notices of juvenile court proceedings were to be made by personal service or if made pursuant to Minn. R. Civ. P. 4.02, by mail with an acknowledgement returned to the court. That was not the practice throughout the state. This rule is written to reflect the common practice of simply mailing the notice (called a notice in lieu of summons) and charging document by first class mail. If those served do not appear in response to the notice, the court can proceed with personal service of a summons and follow up with a warrant if there is still a failure to appear. Appearance rates are generally high with just a mailed notice and the costs of process are significantly increased by mailed service with acknowledgement or by personal service. The legislature has since amended Minnesota Statutes, section 260.141, subd. 1 to comport with this rule. 1996 Minn. Laws Ch. 408, Art. 6, Secs. 3 and 12; see Minn. Stat. § 260B.152, subd. 1 (2002). The rule also recognizes that notice may be sent by electronic transmission where authorized.

This rule allows for notice of a detention hearing to be provided by ~~facsimile transmission or telephone call~~ when, given the time remaining before the detention hearing, mailed or electronically transmitted notice in lieu of summons would not be effective. Notice by ~~facsimile transmission or telephone~~ is not permitted for any other type of hearing.

Historically, there have been some informal service methods for service of the prosecuting attorney and the public defender by each other and by the court, which were instituted for efficiency and cost-effectiveness. However, where the rules require a specific method of service, these informal methods of service may not be used. See City of Albert Lea v. Harrer, 381 N.W.2d 499 (Minn. Ct. App. 1986) (stating, “[t]he clerk and the city attorney cannot agree to ignore the rules”).

In the appendix of these rules are samples of a notice in lieu of summons and a summons.

~~The amendments to Rule 25 that allow for service on counsel by electronic means if authorized by an order of the Minnesota Supreme Court are intended to facilitate a pilot project on electronic service and filing in certain pilot districts, and are designed to be a model for the implementation of electronic filing and service if the pilot project is made permanent and statewide. The rule makes service by electronic means effective in accordance with the rule for the pilot project. Personal service or service by mail on the child and others of documents such as summonses, subpoenas and warrants is still required under the rules that govern those documents, and electronic service is not an authorized means of service.~~

64. Amend Rule 27.02 as follows:

Rule 27.02 Service of Motions

Subdivision 1. When Required. Every written motion along with any supporting ~~affidavits~~documents shall be served on the child, the child's counsel, the prosecuting attorney and the parent(s), legal guardian or legal custodian of the child.

Subd. 2. How Made. The moving party shall serve the other parties. If the other parties are represented by counsel, the moving party shall serve the other parties' counsel unless the court orders otherwise. Service of motions may be made by personal service, ~~or by mail, or electronically as authorized or required by Rule 14 of the Minnesota General Rules of Practice.~~ Service by mail shall be complete upon mailing to the last known address of the person to be served. Service by authorized electronic means through the E-Filing System as defined by Rule 14 of the Minnesota General Rules of Practice is complete upon completion of the electronic transmission of the document(s) to the E-Filing System.

~~Service may be made by electronic means if authorized by an order of the Minnesota Supreme Court and if service is made in accordance with that order; service by electronic means is complete as provided in that order.~~

Subd. 3. Time. Any motion required by this rule to be served, along with any supporting ~~affidavits~~documents, shall be served at least three (3) days before it is to be heard unless the court for good cause shown permits a motion to be made and served less than three (3) days before it is to be heard.

65. Delete the Comment to Rule 27 as follows:

~~**Comment--Rule 27**~~

~~The amendment to Rule 27 that allows for service on counsel by electronic means if authorized by an order of the Minnesota Supreme Court is intended to facilitate a pilot project on electronic service and filing in certain pilot districts, and is designed to be a model for the implementation of electronic filing and service if the pilot project is made permanent and statewide. The rule makes service by electronic means effective in accordance with the rule for the pilot project.~~

66. Amend Rule 30.02, subd. 1, as follows:

Subdivision 1. By Statute or Rule. Juvenile Court records shall be available for inspection, copying and release as required by statute or these rules. Access to all reporter's tapes and electronic recordings shall be governed by the Rules of Public Access to Records of the Judicial Branch. Other than for criminal

justice and other government agencies, juvenile delinquency records in proceedings that are public under Minn. Stat. § 260B.163, subd. 1, shall not be remotely accessible, as defined in Rule 8, subdivision 2~~(d)~~ of the Minnesota Rules of Public Access to Judicial Records of the Judicial Branch, but may be made accessible in either electronic form or paper form at the court facility as permitted by ~~subdivision 2(a) of that Rule 8~~. Criminal justice and other government agencies shall have access to juvenile court records as permitted by Rule 8, subdivision 4 of the Minnesota Rules of Public Access to Judicial Records of the Judicial Branch.

67. Amend Rule 30.02, subd. 3, as follows:

Subd. 3. Court Order Required.

(A) *Person(s) with Custody or Supervision of the Child, and Others.* The court may order juvenile court records to be made available for inspection, copying, disclosure or release, subject to such conditions as the court may direct, to:

(1) a representative of a ~~state or~~ private agency providing supervision or having custody of the child under order of the court; or

(2) any individual for whom such record is needed to assist or to supervise the child in fulfilling a court order; or

(3) any other person having a legitimate interest in the child or in the operation of the court.

(B) *Public.* A court order is required before any inspection, copying, disclosure or release to the public of the record of a child. Before any court order is made the court must find that inspection, copying, disclosure or release is:

(1) in the best interests of the child; or

(2) in the interests of public safety; or

(3) necessary for the functioning of the juvenile court system.

(C) *Disclosure Prohibited.* The record of the child shall not be inspected, copied, disclosed or released to any present or prospective employer of the child or the military services.

~~(D) *Disclosure Limited.* The inspection, copying, disclosure, or release of the juvenile records listed below is limited pursuant to the identified Rules of Juvenile Delinquency Procedure:~~

~~(1) Predisposition report (Rule 15.03, subd. 4);~~

~~(2) Juvenile certification study (Rule 18.04, subd. 4);~~

~~(3) Extended jurisdiction juvenile study (Rule 19.03, subd. 4); and~~

~~(4) Competency examination (Rule 20.02, subd. 5).~~

68. Amend Rule 31.02 as follows:

Rule 31.02 Additional Time after Service by Mail or Electronic Service Late in the Day

Whenever a person has the right or is required to do an act within a prescribed period after the service of a notice or other paper and the notice or other paper is served by mail, three (3) days shall be added to the prescribed period. If service is made by electronic means and accomplished after 5:00 p.m. Minnesota time on the day of service, one additional day shall be added to the prescribed period.

69. Add a new Rule 32 as follows:

Rule 32. Electronic Service, Filing, and Signature

Rule 32.01 Service

Except where personal service is required by these rules, service shall be made by any means authorized by law, including electronically as authorized or required by Rule 14 of the General Rules of Practice. Any notices or copies required to be provided under these rules may also be provided electronically as authorized or required by Rule 14 of the General Rules of Practice.

Rule 32.02 Filing

Except as otherwise specified in these rules, documents may be filed electronically as authorized or required by Rule 14 of the General Rules of Practice. Notwithstanding Rule 14 of the General Rules of Practice, documents prepared and presented to the court during a court proceeding, including but not limited to a signed guilty plea petition or signed waiver of counsel, are not required to be filed electronically.

Rule 32.03 Signature

Any signatures required under these rules may be applied electronically.

STATE OF MINNESOTA

IN SUPREME COURT

ADM10-8050

OFFICE OF
APPELLATE COURTS

JAN 01 2015

FILED

**ORDER REGARDING PROPOSED AMENDMENTS
TO THE RULES OF PUBLIC ACCESS TO RECORDS
OF THE JUDICIAL BRANCH**

The Minnesota Supreme Court Advisory Committee on the Rules of Public Access to Records of the Judicial Branch has recommended amendments to the Rules of Public Access to Records of the Judicial Branch to address public access to court records in light of the judicial branch's increased use of electronic case records. The Committee's recommendations and proposed amendments draw upon recommendations made by other advisory committees regarding access to electronic records, including the Advisory Committee for the Rules of Juvenile Protection, Adoption, and Guardian Ad Litem Procedure and the Advisory Committee for the Special Rules of Procedure Governing Proceedings Under the Minnesota Commitment and Treatment Act. The court has reviewed the proposed amendments and is fully advised in the premises.

IT IS HEREBY ORDERED THAT:

1. Any person or organization wishing to provide written comments in support of or opposition to the proposed amendments to the Minnesota Rules of Public Access to Records of the Judicial Branch shall file one copy of those comments with AnnMarie O'Neill, Clerk of the Appellate Courts, 25 Rev. Dr. Martin Luther King Jr.

Blvd., Saint Paul, Minnesota 55155. The written comments shall be filed so as to be received no later than March 2, 2015.

2. A hearing will be held before this court to consider the proposed amendments to the Minnesota Rules of Public Access to Records of the Judicial Branch. The hearing will take place in Courtroom 300, Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota, on March 17, 2015, at 11:00 a.m.

3. Any person or organization desiring to make an oral presentation at the hearing in support of or in opposition to the proposed amendments to the Minnesota Rules of Public Access to Records of the Judicial Branch, or to recommendations for rule amendments related to access to judicial branch records that have been separately proposed by the court's Advisory Committees on the Rules of Civil Procedure, the Rules of General Practice, the Criminal Rules of Procedure, the Rules of Juvenile Delinquency Procedure, the Rules of Juvenile Protection, Adoption, and Guardian Ad Litem Procedure, or the Rules of Procedure Governing Proceedings Under the Minnesota Commitment and Treatment Act, shall file one copy of a written request to so appear, along with one copy of the material to be presented, with AnnMarie O'Neill, Clerk of Appellate Courts, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155. The request to appear and written materials shall be filed with the Clerk of Appellate Courts so as to be received no later than March 2, 2015.

4. A copy of the committee's report and the proposed amendments to Rules of Public Access to Records of the Judicial Branch is attached to this Order. Copies of the

reports and recommendations filed by the court's other advisory committees can be accessed on P-MACS, the public access site for case records of the Minnesota appellate courts, as follows:

ADM04-8001 *Final Report and Recommendations of the Minnesota Supreme Court Advisory Committee on the Rules of Civil Procedure* (filed Dec. 23, 2014).

ADM09-8009 *Final Report and Recommendations of the Minnesota Supreme Court Advisory Committee on the General Rules of Practice* (filed Dec. 23, 2014).

ADM10-8049 *Report and Proposed Amendments to the Minnesota Rules of Criminal Procedure* (filed Dec. 19, 2014).

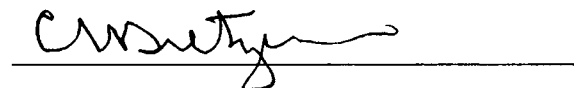
ADM10-8003 *Report and Proposed Amendments to the Minnesota Rules of Juvenile Delinquency Procedure* (filed Dec. 19, 2014).

ADM10-8041 *Final Report of the Advisory Committee on the Rules of Juvenile Protection, Adoption, and Guardian Ad Litem Procedure* (filed Dec. 29, 2014).

ADM10-8046 *Final Report and Recommendations of the Minnesota Supreme Court Advisory Committee on the Rules of Procedure Governing Proceedings Under the Minnesota Commitment and Treatment Act* (filed Dec. 23, 2014).

Dated: January 2, 2015

BY THE COURT:

A handwritten signature in black ink, appearing to read "C. Dietzen", is written over a horizontal line.

Christopher J. Dietzen
Associate Justice